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FEDERAL COMMUNICATIONS COMMISSION  
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SAMUEL I. ROSENMAN (1896-1973)  
RALPH F. COLIN (1900-1985)

October 12, 1993

William F. Caton, Acting Secretary  
Federal Communications Commission  
Washington, D.C. 20554

Re: **FM Table of Allotments**  
**MM Docket No. 93-213**  
**RM-7214, Menomonie, Wisconsin**  
**RM-8351, Balsam Lake, Wisconsin**

Dear Mr. Caton:

Enclosed herewith, on behalf of Yvonne L. Baum-Olson, are an original and four (4) copies of **"COUNTERPROPOSAL REPLY COMMENTS OF YVONNE L. BAUM-OLSON"**.

Please direct all inquiries and communications concerning this matter to Howard J. Braun or the undersigned.

Sincerely,

*Diane L. Mooney*  
Diane L. Mooney

Enclosures

cc: As on Certificate of Service (all w/enc.)

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OCT 12 1993

Before the  
Federal Communications Commission  
Washington, D.C. 20554

FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY

In the Matter of )

Amendment of Section 73.202(b) )  
Table of Allotments )  
FM Broadcast Stations )

MM Docket No. 93-213  
RM-7214  
RM-8351

(Menomonie and Balsam Lake,  
Wisconsin) )

To: Chief, Allocations Branch  
Policy and Rules Division  
Mass Media Bureau

COUNTERPROPOSAL REPLY COMMENTS OF YVONNE L. BAUM-OLSON

YVONNE L. BAUM-OLSON ("Baum-Olson"), by her attorneys and pursuant to Sections 1.415 and 1.420 of the Commission's Rules, hereby submits her Counterproposal Reply Comments in the above-captioned proceeding. In support whereof, the following is shown:

1. On September 17, 1993, Baum-Olson timely submitted her Counterproposal and Comments ("Counterproposal") in opposition to the Notice of Proposed Rulemaking ("NPRM"), 8 FCC Rcd 4936 (MM Bur. 1993), in this proceeding. To summarize, Baum-Olson seeks the allotment of Channel 285C3 at Balsam Lake, Wisconsin, as that community's first local aural transmission service, instead of Channel 285A at Menomonie, Wisconsin, as proposed by Jay Lellman ("Lellman") in the NPRM, which proposal would result in a fifth aural service at Menomonie. By Public Notice, Report No. 1972, released September 27, 1993, the Commission invited the submission of Reply Comments to Baum-Olson's Counterproposal no later than October 12, 1993. Accordingly, Baum-Olson's instant Counterproposal Reply Comments are timely filed.

2. As previously explained in Baum-Olson's October 4, 1993 Reply Comments in this proceeding, the Commission's records reflect that no other comments and/or counterproposals were filed in this matter and that Lellman failed to restate any continuing interest whatsoever in applying for his proposed Channel 285A at Menomonie. The Commission's records also reflect that neither Lellman nor any other party filed Reply Comments herein, which were due no later than October 4, 1993. Accordingly, Baum-Olson's Counterproposal remains unopposed.

3. Moreover, Lellman's failure to file comments and reply comments, or to express any continuing interest in Channel 285A as required by the Commission clearly demonstrates his abandonment of the Menomonie proposal. More importantly, Baum-Olson's previous filings in this matter conclusively demonstrate the superiority of her Counterproposal under established Commission allotment priorities requiring the allocation of a first local service at Balsam Lake. FM Channel Policies/Procedures, 90 FCC 2d 88, 51 RR 2d 807 (1982). Moreover, Baum-Olson's proposal represents a maximized use of the electromagnetic spectrum compared to Lellman's proposal since a larger service area and more persons would be served, and Baum-Olson's proposal would result in unique FM service to an area that presently receives no such service at all.

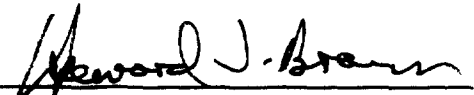
4. Finally, Baum-Olson restates and incorporates her Counterproposal herein by reference and reiterates her continuing intention to promptly file an FCC Form 301 application for Channel 285C3, if allotted at Balsam Lake, and to promptly build the facilities upon authorization by the Commission. In light of

Lellman's complete failure to prosecute his Menomonie proposal, the Commission should promptly dismiss same and, instead, adopt Baum-Olson's unopposed Counterproposal for Balsam Lake, which she continues to vigorously advance.

WHEREFORE, in light of the foregoing, Baum-Olson respectfully requests the Commission to grant her Counterproposal, dismiss the proposal of Lellman and amend the FM Table of Allotments to allocate Channel 285C3 at Balsam Lake, Wisconsin.

Respectfully submitted,

YVONNE L. BAUM-OLSON

  
Howard J. Braun

  
Diane L. Mooney

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Suite 200  
Washington, D.C. 20036  
Tel. (202) 463-7177

Her Attorneys

Dated: October 12, 1993

**CERTIFICATE OF SERVICE**

I, Yvonne Corbett, a secretary in the law offices of Rosenman & Colin, do hereby certify that on this 12th day of October 1993, I have caused to be mailed, or hand-delivered, a copy of the foregoing **"COUNTERPROPOSAL REPLY COMMENTS OF YVONNE L. BAUM-OLSON"** to the following:

Michael C. Ruger, Chief\*  
Allocations Branch  
Mass Media Bureau  
Federal Communications Commission  
2025 M Street, N.W., Room 8322  
Washington, D.C. 20554

Larry G. Fuss  
P. O. Box 159  
Fayetteville, Georgia 30214  
COUNSULTANT FOR JAY LELLMAN

  
Yvonne Corbett

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**\*BY HAND**